

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRYCE FRANKLIN,

Plaintiff,

v.

No. 19-cv-899 KWR-SMV

**AMANDA ANAYA, KARL DOUGLAS,
THE GEO GROUP, and
NEW MEXICO DEPARTMENT OF CORRECTIONS,**

Defendants.

ORDER STAYING ALL OBLIGATIONS PENDING INITIAL REVIEW

THIS MATTER is before the Court on Plaintiff's Certificate of Service of his first set of discovery requests, filed on February 10, 2020. [Doc. 5]. Plaintiff is an inmate at the Guadalupe County Correctional Facility. He proceeds pro se. He alleges Defendants violated his constitutional rights under 42 U.S.C. § 1983. [Doc. 1-1] at 2. Plaintiff originally filed this action in state court, but Defendant GEO Group removed the Complaint to this Court on September 26, 2019. [Doc. 1]. The Complaint names various government actors, including corrections officers Anaya and Douglas and the New Mexico Department of Corrections.

Pursuant to 28 U.S.C. § 1915A, the Court must screen all civil complaints where, as here, "a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." Sua sponte dismissal is required where the complaint fails to state a cognizable claim or seeks monetary relief from a defendant who is immune. 28 U.S.C. § 1915A(b). Section 1997(e) of Title 42 further provides that a defendant may decline to reply to any action brought by a

prisoner until the Court orders a response. 42 U.S.C. § 1997e(g)(1)–(2) (2018). Prisoner petitions are similarly excluded from pre-trial case management procedures, including discovery obligations, under the Court’s local rules. *See* D.N.M.LR-Civ. 16.3(d); D.N.M.LR-Civ. 26.3(a)(1).

Based on these authorities, Plaintiff cannot conduct mandatory discovery under the rules of procedure at this time. The Court will excuse the parties from further action until after the initial review is complete. This includes conducting discovery, responding to discovery requests, and responding to any motions by the opposing party. Once the initial review process is complete, the Court will enter a separate order granting leave to amend, dismissing the case, or setting an answer deadline.

IT IS ORDERED that until further Order by the Court, the parties are excused from all further action in this case, including conducting discovery, responding to discovery requests, and responding to any motions by the opposing party.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge